



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/797,852

03/10/2004

Brian Taraci

74200.926CIP

3730

22804 7590 05/21/2010

THE HECKER LAW GROUP
1925 CENTURY PARK EAST
SUITE 2300
LOS ANGELES, CA 90067

EXAMINER

KRISHNAN, VIVEK V

ART UNIT

PAPER NUMBER

2445

MAIL DATE

DELIVERY MODE

05/21/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/797,852	TARACI, BRIAN	
	Examiner	Art Unit	
	Vivek Krishnan	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38,40-42,45 and 53-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38,40-42,45 and 53-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2445

DETAILED ACTION

This action is responsive to the Request for Continued Examination filed on April 19, 2010.

Claim 39 has been cancelled. Claims 38 and 40 have been amended. Claims 38, 40-42, 45, and 53-58 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 19, 2010 has been entered.

Response to Arguments

2. Applicant's arguments with respect to Claim Rejections under 35 U.S.C. 103(a) have been fully considered but they are not persuasive and/or are moot in view of the new ground(s) of rejection.

As to Applicant's arguments with respect to Claim 38:

a. Applicant argues that Elson does not disclose a Contention Manager configured to provide control of said first serial port and said third serial port *for a first period of time* (emphasis added).

Applicant's arguments are moot in view of the new ground(s) of rejection.

Art Unit: 2445

b. Applicant argues that Rezvani with Elson does not result in the web server claimed in Claim 38 because the web server in Rezvani is located remotely from the monitoring module.

Examiner respectfully disagrees. Rezvani's disclosure of – a web server configured to serve a web page providing a user interface for remotely controlling said first remotely controllable non-web enabled electronic device by sending remote control commands from said web accessible remote control apparatus through said first serial port over said first serial link to first remotely controllable non-web enabled electronic device – modifies Elson's disclosure of the contention manager to provide remote web access and control of devices to a user, not the monitoring module. Hence, Applicant's arguments are not persuasive.

Claim Rejections – 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 38, 40, 41, 45, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0014521 to Elson et al. (hereinafter "Elson"), U.S. Patent No. 2003/0140090 to Rezvani et al. (hereinafter "Rezvani"), and U.S. Patent Application Publication No. 2002/0141425 to Merani et al. (hereinafter "Merani").

Art Unit: 2445

5. As to Claim 38, Elson discloses an apparatus and method for providing universal web access functionality to one or more electronic devices comprising:

a first serial port configured to transmit remote control commands over a first serial link to a second serial port of a first remotely controllable non-web enabled electronic device (Elson; Figures 30-32, paragraphs 251, 253, 259; serial ports communicating with controllable electronic devices such as cell phones, GPS, remote platform, etc; GPS devices and OBD devices were traditionally known to be non-web enabled devices), said first remotely controllable non-web enabled electronic device configured to be controllable by remote control commands received at said second serial port from a first remote control (Elson; paragraphs 141, 145, 147, 218-219; resource controlled remotely by requests from remote control devices such as a PDA), said first serial port further configured to receive status information from said first remotely controllable non-web enabled electronic device over said first serial link (Elson; Figure 11, paragraphs 145, 147; resource status);

a third serial port configured to receive remote control commands for remotely controlling said first remotely controllable non-web enabled electronic device over a second serial link from a fourth serial port of said first remote control (Elson; Figure 30-32, paragraphs 141, 145, 147, 218-219; ports communicating with remote control devices such as a PDA);

a contention manager configured to provide control of said first serial port and said third serial port [...] to a pass through service configured to create a bi-directional path between said first serial port and said third serial port for passing said remote control commands received over said serial link from said first remote control at said third serial port through said first serial port over said first serial link to said first remotely controllable non-web enabled electronic device for

Art Unit: 2445

controlling said first remotely controllable non-web enabled electronic device without requiring any re-programming of said first remote control or said first remotely controllable non-web enabled electronic device and for passing said status information received at said first serial port from said first remotely controllable non-web enabled electronic device through said third serial port to said first remote control (Elson; Figures 30-32, paragraphs 141, 145, 147, 218-219, and 227; passing control signals between PDA and resource);

Elson does not explicitly disclose, however Merani discloses that the contention manager is configured to provide control of said ports for a first period of time (Merani; paragraphs 83-84; timeout).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a contention manager, as disclosed by Elson, to include time out values in order to provide control of ports for a period of time, as disclosed by Merani, in order to employ the use of one of many well known contention resolution strategies.

Elson does not explicitly disclose, however Rezvani discloses a web server configured to serve a web page providing a user interface for remotely controlling said first remotely controllable non-web enabled electronic device by sending remote control commands from said web accessible remote control apparatus through said first serial port over said first serial link to first remotely controllable non-web enabled electronic device (Rezvani; Figures 1-3, 11-12; paragraphs 105-106; web server with web page to provide user interface to control resources).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a contention manager, as disclosed by Elson, to include a web server

Art Unit: 2445

providing a user interface, as disclosed by Rezvani, in order to provide remote web access and control of devices to a user.

6. As to Claim 40, Elson, Merani, and Rezvani disclose each and every limitation of Claim 39. Elson further discloses wherein said contention manager is configured to prevent access by one or more services operating within said web accessible remote control apparatus to said first serial port while a remote control command received from said first control via said third serial port is being passed through to said first serial port (Elson; paragraphs 3, 114-116, 140, and 147-148, preventing simultaneous access).

7. As to Claim 41, Elson, Merani, and Rezvani disclose each and every limitation of Claim 40. Elson further discloses wherein said one or more services comprise an event monitoring service for monitoring a status of said first remotely controllable non-web enabled electronic device (Elson; paragraphs 3, 114-116, 145, and 147-148; monitoring status of resource).

8. As to Claim 45, Elson, Merani, and Rezvani disclose each and every limitation of Claim 38. Rezvani further discloses wherein said web server is configured to receive control information for controlling said first controllable electronic device via said web page (Rezvani; Figures 1-3, 11-12; paragraphs 105-106; web server receives information to control resource).

Art Unit: 2445

9. As to Claim 56, Elson, Merani, and Rezvani disclose the web accessible remote control apparatus of claim 38. Rezvani further discloses wherein said remote control commands comprise commands for video input source selection (Rezvani; paragraph 59).

10. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elson, Merani, and Rezvani as applied to Claim 38 and 46 above, and further in view of U.S. Patent No. 6,192,422 to Daines et al. (hereinafter "Daines").

11. As to Claim 42, Elson, Merani, and Rezvani disclose each and every limitation of Claim 38. Elson does not explicitly disclose, however Daines discloses a buffer configured to temporarily store remote control commands received at said third serial port (Daines; Abstract; buffers associated with input/output ports to store signals).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Input/Output ports, as disclosed by Elson, to include buffers, as disclosed by Daines, in order to manage congestion.

12. Claims 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elson, Merani, and Rezvani as applied to Claim 38 and 45 above, and further in view of U.S. Patent Application Publication No. 2002/0108108 to Akaiwa et al. (hereinafter "Akaiwa").

Art Unit: 2445

13. As to Claim 53, Elson, Merani, and Rezvani disclose the web accessible remote control apparatus of claim 38. Elson does not explicitly disclose, however Akaiwa discloses wherein said first remotely controllable non-web enabled electronic device comprises a video projector (Akaiwa; Figures 1-2; remotely controlling non-web enabled video projector via proxy).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a remotely controllable non-web enabled electronic device, as disclosed by Elson, to include a video projector, as disclosed by Akaiwa, in order to control a video projector remotely over a network.

14. As to Claim 54, Elson, Merani, and Rezvani disclose the web accessible remote control apparatus of claim 45. Elson does not explicitly disclose, however Akaiwa discloses wherein said first remotely controllable non-web enabled electronic device comprises a video projector (Akaiwa; Figures 1-2; remotely controlling non-web enabled video projector via proxy).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a remotely controllable non-web enabled electronic device, as disclosed by Elson, to include a video projector, as disclosed by Akaiwa, in order to control a video projector remotely over a network.

15. As to Claim 55, Elson, Merani, Rezvani, and Akaiwa disclose the web accessible remote control apparatus of claim 54. Akaiwa further discloses wherein said status information comprises lamp hour usage information (Akaiwa; paragraph 167; lamp-on time status information).

16. Claims 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elson, Merani, and Rezvani as applied to Claim 38 and 45 above, and further in view of U.S. Patent Application Publication No. 2002/0069410 to Atmakuri et al. (hereinafter "Atmakuri").

17. As to Claim 57, Elson, Merani, and Rezvani disclose the web accessible remote control apparatus of claim 38. Elson does not explicitly disclose, however Atmakuri discloses wherein said first remotely controllable non-web enabled electronic device comprises a DVD player (Atmakuri; paragraph 17; remotely controlling non-web enabled DVD player).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a remotely controllable non-web enabled electronic device, as disclosed by Elson, to include a DVD player, as disclosed by Atmakuri, in order to control a video projector remotely over a network.

18. As to Claim 58, Elson, Merani, Rezvani, and Atmakuri disclose the web accessible remote control apparatus of claim 57. Atmakuri further discloses wherein said remote control commands comprise commands for play, fast forward, rewind, pause, and stop (Atmakuri; paragraph 17; play, fast forward, rewind, pause, and stop).

Art Unit: 2445

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Krishnan whose telephone number is (571) 270-5009. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. K./

Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445